

Lawrence Law Journal

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THE LAWRENCE COUNTY BAR ASSOCIATION

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Lawrence Law Journal

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10954 of 19 CA; Donna L. Smith v. Molly Kearns; Licata, Decker
30007 of 19 CA; Oliya. v. Quest Diagnostics v. Wawrzynski; Kelly, Passadelis, Koczan
30011 of 19 CA; Linda L. McConnell Individually v. Maybrook-C Overlook; Megrey, Feeney
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10761 of 20 CA; Jaime & Lon Ross v. Laurel School District; Olson, Luvara
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50030 of 21 CA; Firedex of Butler, Inc. v. Stan Watkins IV; Fives, Olson
10473 of 22 CA; Geramita v. General Motors LLC; Roseman, Green
10773 of 22 CA; Housing Authority of Law Co v. Jordan Gardner; Perrotta, Gilkey
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10204 of 23 CA; Lawrence Co Landlord Assoc v. Union Township; Olson, Medure
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10526 of 23 CA; Carol D Fennick v. State Farm Mutual Auto Ins; Sullivan, McDonnell
10539 of 23 CA; Anthony Servedio et al v. Andrew R Koelliker; Manolis, Dimeo
10580 of 23 CA; ODK Capital LLC v. SRI Roofing & Sheet Metal et al; Armstrong, Herron
10616 of 23 CA; Inarts LLC TDBA v Stuart Day TDBA; Manolis, DeCaro
10650 of 23 CA; Jahn Tinglum v. The Highland House, Inc.; Natale, Clark
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10793 of 23 CA; Housing Authority of Law Co v. Leonard Wilder Jr; Perrotta, Gilkey
10828 of 23 CA; John Labick v. Investmint Properties LLC; Will, Bonner

FAMILY MOTION COURT

There will be no Family Motion Court on the following dates:

Friday, June 14, 2024 & Tuesday, June 18, 2024

Please contact Court Administration with emergencies.

There will be no FAMILY MOTION COURT on July 26, 2024 and no First and Final Accounts will be heard that day. The First and Final Accounts will be heard on August 2, 2024 in Motions Court, Courtroom #4.

MOTION COURT

There will be NO MOTIONS COURT (CIVIL/CRIMINAL) on
July 24, 25, or 26, 2024.

Lawrence Law Journal

Lawrence County Bar Association Sponsored CLE Lunches

All programs are held as follows: lunch 11:30 a.m.; CLE 12:00 - 1:00 p.m.

Location: Faraone Brothers Banquet Hall, 1015 S. Mill St., New Castle

RSVP: 724-656-2136 or jthomas@lawrencecountypa.gov

Monday, April 22, 2024

Landlord Tenant Law

Presented by Adam DiBuo, NLS Managing Attorney for Housing &
Cyndi Gilkey NLS Housing Law Staff Attorney

RSVP deadline: 4/15

Wednesday, May 15, 2024

Computer Generated Animations for Trial & Litigation

Presenter: Jeremy Gibson, Digital Trace Forensics, LLC

RSVP deadline: 5/8

Wednesday, June 12, 2024

Ethics Seminar: Virtual Isolation: Is hyperconnectivity helping or harming the legal profession

Presenter: Brian Quinn, Lawyers Concerned for Lawyers

RSVP deadline: 6/5

PBI CLE New Castle

The following PBI Programs will be held in the Lawrence County Law Library.

You must pre-register with PBI at 800-247-4724 or at PBI.org.

Right to Know Law 2024

Wednesday, March 27, 2024

9:00 a.m. – 12:15 p.m.

Credits: 3 substantive/0 ethics; Tuition: standard \$279

1031 Exchanges: Transactions with Related Parties and Business Split Ups

Thursday, March 28, 2024

9:00 a.m. – 12:15 p.m.

Credits: 3 substantive/0 ethics; Tuition: standard \$249

Important Issues About Medicare Coverage, Social Security Benefits & Long-Term Care 2024

Tuesday, April 9, 2024

9:00 a.m. – 12:15 p.m.

Credits: 3 substantive/0 ethics; Tuition: standard \$249

Ethics Compliance Crusher 2024

Thursday, April 11, 2024

9:00 a.m. – 12:15 p.m.

Credits: 3 ethics; Tuition: standard \$249

ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims against the estate of the decedent shall make known the same to the person(s) named or to his/her/their attorney and all persons indebted to the decedent shall make payment to the person(s) named without delay.

FIRST PUBLICATION

Bauder, Michael Roy

Late of Volant Borough, Lawrence County, Pennsylvania

Executrix: Cheryl Ann Bauder, 162 Whitman Ln., Volant, PA 16156

Attorney: Bradley G. Olson, Jr., Law Offices of Bradley G. Olson, Jr., 109 N. Mercer St., New Castle, PA 16101, (724) 656-6633

SECOND PUBLICATION

Acosta, Ana S.

a/k/a Acosta, Ana Socorro

a/k/a Acosta, Ana

Late of the City of New Castle, Lawrence County, Pennsylvania

Executor: Hector Paniagua, 116 Upchurch Rd., Zebulon, NC 27597

Attorney: Theodore A. Saad, Verterano & Manolis, 2622 Wilmington Rd., New Castle, PA 16105-1530

Bucciarelli, Emilio

a/k/a Bucciarelli, Emil

Late of City of New Castle, Lawrence County, Pennsylvania

Executor: Paul Bucciarelli, 215 E. Clen Moore Blvd., New Castle, PA 16105

Attorney: Tomi Herold (TLH Counsel LLC), 322 S. Linden Ave., Pittsburgh, PA 15208, 412-951-9781

Durbin, Jeffrey Edward

a/k/a Durbin, Jeff E.

Late of Shenango Township, Lawrence County, Pennsylvania

Administrator: Jeanette M. Durbin, 143 Big Run Creek Rd., New Castle, PA 16101

Attorney: James W. Manolis, Verterano & Manolis, 2622 Wilmington Rd., New Castle, PA 16105-1530

Hutchinson, Patricia J.

Late of New Castle, Lawrence County, Pennsylvania

Executor: Kenneth L. Hutchinson
Attorney: Shawn A. Sensky, 809 Wilmington Ave., New Castle, PA 16101

Litwinowicz, Patricia H.

Late of Neshannock Township, Lawrence County, Pennsylvania

Administratrix: Alice M. Litwinowicz, 7201 Righters Mill Rd., Derwood, MD 20855

Attorney: Anthony Piatek, 414 N. Jefferson St., New Castle, PA 16101

Nickum, Wanda

Late of New Castle, Lawrence County, Pennsylvania

Co-Executors: John J. Nickum, 973 Cleland Mill Rd., New Castle, PA 16102 and Susan E. Bartolone, 2784 Enon Rd., Enon Valley, PA 16120

Attorney: Reed D. Hennon, 224 W. Northview Ave., New Castle, PA 16105

Parisi, Rose L.

Late of Ellwood City Borough, Lawrence County, Pennsylvania

Administratrix: Amanda M. Parisi, 131 Carol Rose Drive, Beaver Falls, PA 15010

Attorney: Gene G. Dimeo, Dimeo Law Group PLLC, 120 Fourth St., Ellwood City, PA 16117, 724-752-9955

Purvis, Darla A.

Late of the City of New Castle, Lawrence County, Pennsylvania

Executrix: Darlene Smith, 317 E. Cliveden St., Philadelphia, PA 19119, 215-435-0731

Attorney: none

Togisala, Melissa H.

Late of New Castle, Lawrence County, Pennsylvania

Executrix: Grace M. Hoyland-Wallace, 103 Fields Dr., New Castle, PA 16101

Attorney: Reed D. Hennon, 224 W. Northview Ave., New Castle, PA 16105

THIRD PUBLICATION

Allison, Clarence A.

a/k/a Allison, Clarence Arthur

Late of New Castle, Lawrence County, Pennsylvania

Executrix: Mary Elizabeth Werner Smith, 716 Old Youngstown Rd., New Castle, PA 16101

Attorney: Louis M. Perrotta, Louis M. Perrotta, P.C., 229 S. Jefferson St., New Castle, PA 16101, 724-658-9980

Lastoria, Michael R.

Late of New Castle, Lawrence County, Pennsylvania

Administrator: Kevin Lastoria, 454 Thornhill Dr., New Castle, PA 16101

Attorney: Louis M. Perrotta, Louis M. Perrotta, P.C., 229 S. Jefferson St., New

Castle, PA 16101, 724-658-9980

Leaghty, David A.

Late of New Castle, Lawrence County, Pennsylvania

Administratrix: Sandra Hill, 123 N. Crawford Ave., New Castle, PA 16101

Attorney: Michael C. Bonner, 713 Wilmington Ave., New Castle, PA 16101

Nene, John J.

a/k/a Nene, John

Late of Neshannock Township, Lawrence County, Pennsylvania

Executor: John T. Nene, 14769 River Run Court, Savage, MN 55378

Attorney: Amy E. Molloy, Molloy Law, LLC, 15 Woodland Center Dr., Grove City, PA 16127

Rossmann, Mary Jo

Late of New Castle, Lawrence County, Pennsylvania

Executrix: Mary Lynn Rossmann Lapikas, 4793 Logan Arms Dr., Youngstown, OH 44505

Attorney: Carmen F. Lamancusa, 414 N. Jefferson St., New Castle, PA 16101

Rozzi, Louis R., Jr.

Late of Ellwood City, Lawrence County, Pennsylvania

Administrator: Michael Rozzi, 431 Wampum Ave., Ellwood City, PA 16117

Attorney: Jacob Landau, 707 Grant St., Ste. 125, Pittsburgh, PA 15219

Stefura, Paul Anthony

Late of Ellport Borough, Lawrence County, Pennsylvania

Executrix: Sonia L. DeChellis, 105 Pennington Dr., Darlington, PA 16115

Attorney: Gene G. Dimeo, Dimeo Law Group PLLC, 120 Fourth St., Ellwood City, PA 16117, 724-752-9955

Wimer, Daniel G.

Late of New Castle, Lawrence County, Pennsylvania

Executrix: Michelle L. Wimer, 2202 State Route 551, Enon Valley, PA 16120

Attorney: Joseph J. Oliva, 414 N. Jefferson St., New Castle, PA 16101

BENEFICIARY NOTICE

NOTICE IS HEREBY GIVEN - The Estate of Helen J. Kloos, of Ellwood City, Lawrence County, Pennsylvania has been unable to locate the following beneficiaries:

- a. Barbara Jean Young
- b. Jerry Young
- c. Peg Meyer
- d. Bill Young
- e. Joann Young
- f. Joan Young
- g. Roberta Young

A hearing on the distribution of Estate Proceeds from the Estate of Helen J. Kloos is set to take place on the 7th day of May, 2024 in Courtroom 4 of the Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. Failure to appear at this hearing may result in a forfeiture of any potential inheritance you may receive.

Joseph J. Oliva, Esquire
414 N. Jefferson St.
New Castle, PA 16101

L.C.L.J. - March 18 & 25, and April 1, 2024

IN THE COURT OF COMMON PLEAS OF LAWRENCE COUNTY, PENNSYLVANIA
No. 70021 of 2024, M.D.

In Re: Petition for Name Change of CANDACE LEE GONZALEZ

NOTICE

Notice is hereby given that on March 14, 2024, the petition of Candace Lee Gonzalez was filed in the above-named Court, requesting an order to change the name of Candace Lee Gonzalez to Candace Boak Gonzalez. The Court has fixed the day of June 3, 2024, at 9:00 AM in Courtroom No. 4 of the Lawrence County Government Center as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

William J. Manolis, Esquire
Verterano & Manolis
2622 Wilmington Rd.
New Castle, PA 16105

L.C.L.J. - March 25, 2024

IN THE COURT OF COMMON PLEAS OF LAWRENCE COUNTY, PENNSYLVANIA

Case No. 70017-24

In RE: Unopened Alleyway in Village of New Bedford located between Lots 28 and 29 of the Village of New Bedford Plan as Recorded in Mercer County Plot Book 1, Page 548

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. PARTIES TO THE ACTION

1. Your Complainant, David L. Johnson, is an adult individual of sound mind who currently resides at 436 State Route 208, New Bedford, Lawrence County, Pennsylvania.

II. JURISDICTION AND VENUE

2. Pursuant to 42 Pa.C.S.A. §931(a), jurisdiction is appropriate in the Court of Common Pleas of Lawrence County.

3. Pursuant to 42 Pa.C.S.A. §931(c), venue is appropriate in the Court of Common Pleas of Lawrence County.

III. STATEMENT OF FACTS

4. Your Complainant is the owner of multiple parcels of property in New Bedford, Lawrence County, Pennsylvania. Particularly, your Complainant owns the following parcels of land:

a. Parcel 29-3710-129, Lot Number 29 of the Village of New Bedford Plan as recorded in Mercer County Plot Book 1 Page 548;

b. Parcel 29-3719-128, Lot Number 28 of the Village of New Bedford Plan as recorded in Mercer County Plot Book 1 Page 548.

5. Traversing between these above-identified parcels of land is an unopened alleyway. See Exhibit "A" attached hereto.

6. The alleyway has never been ordained as a public passageway by the municipality of New Bedford.

7. More than twenty-one (21) years have expired since the creation of the plan of lots and, particularly, the alleyway in question.

8. No other person within the Village of New Bedford has ever utilized the alleyway for ingress, egress or regress to their property.

9. Since your Complainant became the record owner of the subject properties, he has enclosed the unopened alleyway by erecting a fence.

10. Pursuant to the laws of this Commonwealth, upon the expiration of twenty-one years, the municipality of New Bedford lost its right to ordain the alleyway as a public passageway and, therefore, ownership of the property reverted to the abutting landowners subject to the easement rights of other landowners within the plan of lots.

11. More than twenty-one (21) years has expired since your Complainant erected a fence and enclosed the unopened alleyway.

12. As a result of the erection of the fence

around the boundary of the alleyway, no person has ever used or otherwise had access to the alleyway.

13. Your Complainant submits that any easement rights that were obtained by other landowners within the plan of lots were forfeited and your Complainant is now the owner of the land in fee simple.

IV. CAUSES OF ACTION

FIRST CAUSE OF ACTION

Declaratory and Injunctive Relief

14. The preceding paragraphs of this Complaint are incorporated herein by reference as though set forth in full.

15. As set forth above, Plaintiff is the owner of multiple parcels of land that abut an unopened alleyway.

16. Plaintiff erected a fence around the parcels of land, which encapsulated the alleyway and prevented any person from utilizing the alleyway for ingress, egress and regress purposes.

17. The Village of New Bedford never adopted the alleyway as a public passageway and more than twenty-one (21) years since the alleyway's creation has passed.

18. For a period in excess of twenty-one years, no person other than Plaintiff has enjoyed the use of the alleyway.

19. An actual controversy exists under the laws of the Commonwealth of Pennsylvania as any person within the Village of New Bedford has an easement right to utilize the alleyway for ingress, egress and regress purposes.

20. Plaintiff submits that all persons within the village of New Bedford forfeited their right to use the alleyway for ingress, egress and regress purposes as the alleyway has been restricted from any such use for a period in excess of twenty-one (21) years but instead has been under the sole access and control of Plaintiff.

21. Based on the foregoing, Plaintiff submits that he possesses the absolute and exclusive right to possession and ownership of the alleyway to the exclusion of all others for any purpose he deems proper.

22. The rights and duties Plaintiff and all other residents of the Village of New Bedford will be immediately affected by the enforcement of Plaintiff's Declaratory Relief action.

23. No adequate remedy other than that

requested in this complaint exists by which the rights of the Plaintiff and the residents of the Village of New Bedford may be determined.

24. This action is brought under the Declaratory Judgments Act, 42 Pa.C.S. §§ 7531 to 7541.

SECOND CAUSE OF ACTION

QUIET TITLE – ADVERSE POSSESSION

25. All preceding paragraphs of this Complaint are incorporated herein by reference as though set forth in full.

26. Plaintiff is the legal owner of the parcels of land identified in Paragraph 4 of this Complaint, which are situated in the Village of New Bedford.

27. At the time of the creation of the Village of New Bedford, a paper alleyway was identified on the plan, which traverses Plaintiff's property.

28. Since the creation of the alleyway, the Village of New Bedford has never utilized or maintained it.

29. Presently, the alleyway is grass-filled and only Plaintiff has maintained it.

30. More than twenty-one (21) years have elapsed since the creation of the alleyway without the Village of New Bedford adopting it as a public passageway.

31. In accordance with 36 P.S. §2131, "Whenever any highway, street, court, or alley, shall be vacated, or hath been vacated, by authority of law, the adjoining owner or owners shall be authorized to reclaim the same, to the centre thereof, unless the ground was originally taken in unequal proportions from the then owners thereof, and in such case, the adjoining owners shall reclaim, in the proportion contributed by such owners, or by those under whom they shall have derived their titles."

32. Since purchasing the parcels identified above, Plaintiff cared for the entire portion of alleyway which abuts all herein named parties properties and exercised complete dominion and control over the same as evidenced by the erection of a fence incapsulating the alleyway more than twenty-one (21) years ago.

33. Plaintiff demonstrated his actual possession of the land for a period in excess of twenty-one (21) years by performing the following acts: mowing the lawn and planting and caring for shrubbery and vegetation and

other forms of plant life thereon and erecting a fence, which incapsulated the entirety of the alleyway.

34. Plaintiff's possession of the land was visible and notorious possession for a period in excess of twenty-one (21) years as they performed the various acts named above in the presence of other land owners within the subdivision during all hours of the day.

35. Plaintiff's possession of the land was distinct and exclusive for a period in excess of twenty-one (21) years and was of a type of possession which would characterize that of the owner, as the Plaintiff solely cared for the land during this period of time.

36. Plaintiff's possession of the land during this twenty-one (21) year period was hostile as evidenced by the fact that Plaintiffs' cared for the land even though others in the Village of New Bedford had the right of ingress, egress and regress against their easement rights.

37. Plaintiff's possession and control of the land was continuous and uninterrupted for a period in excess of twenty-one (21) years as evidenced by the fact that the Plaintiffs have continued to care for the land and plant and cultivate vegetation since the date of ownership and in excess of twenty-one (21) years, erected a fence encapsulating the alleyway.

38. Plaintiff asserts that the ownership of the entire portion of the land originally designated as the unnamed alleyway which traverses his land, has vested to the Plaintiff under the doctrine of adverse possession as the Plaintiff have exercised control over the same in an actual, continuous, exclusive, visible, notorious, distinct, and hostile manner for a period in excess of twenty-one (21) years.

39. While the laws of the Commonwealth of Pennsylvania recognize that all persons within a plan maintain an easement right over an unopened alleyway or roadway, Plaintiff submits that those rights were forfeited and extinguished after he incapsulated the subject alleyway and no person within the Village used or attempted to use the alleyway within the past twenty-one years.

40. Since the Plaintiff incapsulated the alleyway and restricted its use, no person, property owner, nor any heirs, assigns and personal representatives of any such person have made any attempts to enforce their claim or easement interest over the subject alleyway.

41. Plaintiff believes and therefore avers that no person, property owner, nor any of their heirs, assigns, or personal representatives have any intention of asserting a right of title or interest in the subject property and it is necessary to quiet title to the subject property to prevent waste and provide the Plaintiff with an unencumbered clear title of record and ownership of the alleyway.

42. The Plaintiff has standing to institute this action to Quiet Title based upon the interest he obtained in the subject property by way of the laws of the Commonwealth of Pennsylvania.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court

a. For judgment that the Plaintiff is the fee simple owner of all right, title, claim and interest in and to the property identified as the unnamed alleyway which traverses Lots 28 and 29 of the within Village of New Bedford Plan as recorded in the Mercer County Plot Book 1 Page 548, located in New Bedford, Lawrence County, Pennsylvania.

b. For judgment that no landowner in the Village of New Bedford has any easement right or any other right, title, estate, claim or interest in or lien on the real property known as the unnamed alleyway which traverses Lots 28 and 29 of the within Village of New Bedford Plan as recorded in the Mercer County Plot Book 1 Page 548, located in New Bedford, Lawrence County, Pennsylvania;

c. Any other relief this Court deems appropriate.

Respectfully Submitted,
Bradley G. Olson, Jr.
Attorney for the Plaintiffs
Law Offices of Bradley G. Olson, Jr.
109 N. Mercer Street
New Castle, PA 16101
(P) 724.656.6633
(F) 724.656.0063
(E) brad@lobo-legal.com

L.C.L.J. - March 25, April 1 and 8, 2024
